

**\*\*NOT FOR PRINTED PUBLICATION\*\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

ASAMARBUNKERS CONSULTADORIO E §	CIVIL ACTION No. 1:10CV223
PARTICIPACOES UNIPessoal LDA §	
§	
<i>Plaintiff,</i> §	JUDGE RON CLARK
§	
v. §	
§	
UNITED STATES OF AMERICA ET AL; §	
§	
<i>Intervenor Plaintiff,</i> §	
§	
v. §	
§	
WILHELMSSEN SHIPS SERVICE, INC., §	
§	
<i>Claimant,</i> §	
§	
v. §	
§	
NEW RIVER M/V, its engines, tackle and §	
apparel, in rem; THE BUNKERS ABOARD §	
THE M/V NEW RIVER, and those in interest §	
therein, in rem; and AHL SHIPPING §	
COMPANY, in personam §	
§	
<i>Defendants,</i> §	

**AMENDED FINAL JUDGMENT**

This amended final judgment is entered pursuant to Federal Rule of Civil Procedure 58 and 60(a)<sup>1</sup> and this court's Order granting in part the United States's Motion for Summary Judgment signed on February 13, 2012.

---

<sup>1</sup> This final judgment corrects the final judgment entered by the court on February 15, 2012 [Doc. #121]. See Fed. R. Civ. P. 60(a). Due to clerical error, the figure awarded to Captain Brown did not include pre-judgment and post-judgment interest as the Fifth Circuit and 28 U.S.C. § 1961 require. See *Orduna S.A. v. Zen-Noh Grain Corp.*, 913 F.2d 1149, 1157 (5th Cir. 1990)(district court may deny pre-judgment interest only when peculiar circumstances would make such an award inequitable). The parties have agreed to a pre-judgment interest rate and the date from which the interest should run, namely 3.25%, compounded quarterly running from March 24, 2010 through the date of this amended judgment.

It is hereby **ORDERED** that Intervenor Plaintiff Captain Timothy A. Brown as Chairman of the Board of Trustees of the Masters, Mates, & Pilots Vacation Plan, shall recover the following amounts from the proceeds of the sale of the M/V New River located in the court registry, on behalf of the crew members listed on Exhibit 2A of Brown's response to the United States' motion [Doc. # 109].

(1) one-hundred four thousand, five-hundred eighty-nine dollars and seventy six cents (\$104,589.76) as preferred seamen wages

(2) Prejudgment interest from March 14, 2010 through February 17, 2012 the date of final judgment, at the prime rate (3.25%), compounded quarterly in the amount of six-thousand seven-hundred forty-six dollars and seventy-three cents (\$6,746.73)

(3) Post-judgment interest on the entire sum calculated pursuant to 28 U.S.C. § 1961 at the rate of .15%; and

(4) costs of court

It is further **ORDERED** that Intervenor Plaintiff the United States of America shall recover:

(1) the remainder of the sums located in the court registry in partial payment of its preferred ship mortgage; and

(2) costs of court

It is further **ORDERED** that Plaintiff Asamarbunkers Consultadoria e Participacoes Unipessoal Lda ("Asamarbunkers") shall take nothing of and from its claims against the M/V New River. Costs are taxed to Asamarbunkers.

It is further **ORDERED** that all relief not specifically granted herein is **DENIED**. This is a final judgment and is appealable.

So **ORDERED** and **SIGNED** this 17 day of February, 2012.



---

Ron Clark, United States District Judge